IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr. Misc. No.8118 of 2008
With
Cr. Misc. No.10388 of 2008
****

SANTOSH KUMAR SINGH @
DR.S.K.SINGH .. Petitioner
(in Cr.Misc.No.08118/08)

DR.KIRAN GOSHWAMI & ANR .. Petitioner
(in Cr.Misc.No.10388/08)

Versus

THE STATE OF BIHAR ..Opposite Party
(in both the cases)

****

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/11/ **29.07.2008** Heard the counsel for the petitioners, the State as well as the informant.

2. Santosh Kumar Singh @ Dr. S.K. Singh (petitioner in Cr. Misc. No. 8118 of 2008) and Dr. Kiran Goshwami as well as Ajay Tiwari (petitioners in Cr. Misc. No. 10388 of 2008) are apprehending their arrest in connection with Mohania P.S. Case No. 341 of 2007 registered for offence under Section 304/34 of the Indian Penal Code. It has been submitted on behalf of the counsel for the petitioners that so far Santosh Kumar Singh @ Dr. S.K. Singh is concerned, he is not attached with Maa Gayatri Care Hospital. He had just come to invite the doctors attached with this hospital as he was going to inaugurate his own hospital, namely, Ashirvad Hospital. It has also been

submitted that he has not participated in the operation of the deceased, Sanjay Kumar Singh. Counsel appearing for Dr. Kiran Goshwami and Ajay Tiwari submits that Dr. Kiran Goshwami is a gynaechologist and she has not participated in the operation of the deceased and Ajay Tiwari is not a doctor and he is only the manager of Maa Gayatri Care Hospital.

3. Considering the Civil Surgeon's report in paragraph 77 of the case diary, I find that Ajay Tiwari (petitioner in Cr. Misc. No. 10388 of 2008), who is running the hospital without any registration and without prior arrangement for a surgery, is not entitled for grant of anticipatory bail. His prayer for anticipatory bail is **rejected**.

4. So far Santosh Kumar Singh @ Dr. S.K. Singh (petitioner in Cr. Misc. No. 8118 of 2008) and Dr. Kiran Goshwami (petitioner in Cr. Misc. No. 10388 of 2008) are concerned, their prayer for anticipatory bail is **allowed**. They are directed to be released on anticipatory bail, in case of their surrender before the Court concerned within four weeks from today, on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Mohaniya P.S. Case No. 341 of 2007 to the satisfaction of the Chief Judicial Magistrate, Bhabhua, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

**( Mridula Mishra, J. )**

S.A.

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